

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STEVEN M. BOTILLA,

Plaintiff,

v.

CITY OF MADISON POLICE DEPARTMENT,

Defendant.

ORDER

08-cv-432-slc

Plaintiff was granted leave to proceed *in forma pauperis* on his claim that defendant City of Madison Police Department violated his rights under Title II of the Americans with Disabilities Act. Now plaintiff has moved for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts.

In his motion, plaintiff states that he was unexpectedly charged \$36.80 for using the PACER/ECF services. Plaintiff thought that he was able to use these services for free because he was granted leave to proceed *in forma pauperis*. He contends that it is necessary for him to use these services to monitor the filings in this case, which have not been timely mailed to him by defendant's counsel. He asks that the court backdate his exemption to the date he filed his complaint.

As an indigent individual, plaintiff falls within the class of users listed in the fee

schedule as eligible for a fee exemption. Additionally, plaintiff has demonstrated that access to PACER/ECF is necessary to avoid unreasonable burdens and to promote public access to information. Accordingly, plaintiff shall be exempt from the payment of fees for access via PACER to the electronic case files maintained in this court from this date forward. Because plaintiff did not ask this court for free use of the PACER/ECF system before using it, he is responsible for paying those fees of \$36.80 that he has incurred up to this date.

The following limitations to plaintiff's exemption apply:

1. This fee exemption applies only to plaintiff and is valid only for the purpose of obtaining information necessary to the prosecution of this case.
2. This fee exemption applies only to the electronic case files of this court that are available through the PACER system;
3. This exemption is valid until plaintiff's prosecution of this case is completed;
4. This exemption may be revoked at the discretion of the court at any time.

A copy of this order shall be sent to the PACER Service Center.

ORDER

IT IS ORDERED that plaintiff's motion to obtain free access to PACER/ECF System, dkt. #17, is GRANTED as of today's date but his request to have his exemption backdated

to the filing date of his complaint is DENIED.

Entered this 3rd day of March, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge